

**State of HP Vs. Lakhveer Singh**

**Cr. MP(M) No. 2932 of 2025**

**Reserved on: 3.7.2026**

10.7.2026 Present: Mr Lokender Kutlehria, Additional Advocate General, for the petitioner-State.

Mr Pritam Singh Chandel, Advocate, for the respondent.

The applicant/appellant/state has filed the present application for condonation of delay in filing the appeal. It has been asserted that the certified copy of the judgment was applied on 17.06.2025. The copy was delivered on 02.07.2025. The case was examined by the learned District Attorney/Public Prosecutor, Bilaspur, H.P., who sent the case file to the Additional Chief Secretary (Home) to the Govt. of H.P. for taking a final decision. The case file was received in the Home Department on 30.07.2025. The case was referred to the Law Department for seeking their opinion on 08.08.2025. The Law Department returned the file on 05.09.2025. The case was submitted to the competent authority on 06.09.2025 for consideration, and the competent authority decided on 15.09.2025 that an appeal was to be filed before this Court. Hence, the office of the learned Advocate General was requested to file the appeal on 19.09.2025. The case file was returned on 23.09.2025 for filing an application for

condonation of delay. There was a delay of 44 days, which was due to reasons beyond the applicant's control. Hence the application.

The application is opposed by filing a reply asserting that the application does not disclose any sufficient cause for the condonation of the delay. The allegations are stereotyped, routine and reflect administrative lethargy. The applicant has merely narrated the movement of the file from one office to another without explaining why the matter remained pending at various stages for a long time. The Government Department cannot claim a special privilege in the matter of limitation and is equally bound by the law of limitation. The applicant has failed to explain each day's delay. Therefore, it was prayed that the present application be dismissed.

I have heard Mr Lokender Kutlehria, learned Additional Advocate General, for the applicant/State and Mr Pritam Singh Chandel, learned counsel for the respondent/accused.

Mr Lokender Kutlehria, learned Additional Advocate General for the applicant/State, submitted that the State had to consult various officers, which took some time. The delay was not intentional but due to the process

of consultation. No prejudice would be caused to the respondent/accused by the condonation of the delay. Therefore, he prayed that the present petition be allowed and the delay in filing the appeal be condoned.

Mr Pritam Singh Chandel, learned counsel for the respondent/accused, submitted that the applicant has not assigned any sufficient reason for condoning the delay. The application shows that the time was spent by various authorities in making the decision. The State cannot claim any privilege while seeking the condonation of delay. Hence, he prayed that the present petition be dismissed.

I have given a considerable thought to the submissions made at the bar and have gone through the records carefully.

It was submitted that the provisions of Section 5 of the Limitation Act apply equally to the State as well as to the private party, and the State cannot claim any special exemption from the provisions of Section 5 of the Limitation Act. This submission will not help the respondents. It was laid down by the Hon'ble Supreme Court in *Oriental Aroma Chemical Industries Ltd. v. Gujarat Industrial Development Corpn.*, (2010) 5 SCC 459, that the Court should allow a certain latitude to the Government because the State represents the collective cause of the

community, and the decisions are taken by the officers at a slow pace, causing the delay. It was observed: -

15. The expression “sufficient cause” employed in Section 5 of the Limitation Act, 1963 and similar other statutes is elastic enough to enable the courts to apply the law in a meaningful manner which subserves the ends of justice. Although, no hard-and-fast rule can be laid down in dealing with the applications for condonation of delay, this Court has justifiably advocated adoption of a liberal approach in condoning the delay of short duration and a stricter approach where the delay is inordinate—*Collector (L.A.) v. Katiji* [(1987) 2 SCC 107: AIR 1987 SC 1353], *N. Balakrishnan v. M. Krishnamurthy* [(1998) 7 SCC 123: JT (1998) 6 SC 242] and *Vedabai v. Shantaram Baburao Patil* [(2001) 9 SCC 106].

16. In dealing with the applications for condonation of delay filed on behalf of the State and its agencies/instrumentalities this Court has, while emphasising that same yardstick should be applied for deciding the applications for condonation of delay filed by private individuals and the State, observed that certain amount of latitude is not impermissible in the latter case because the State represents collective cause of the community and the decisions are taken by the officers/agencies at a slow pace and encumbered process of pushing the files from table to table consumes considerable time causing delay—*G. Ramegowda v. Land Acquisition Officer* [(1988) 2 SCC 142], *State of Haryana v. Chandra Mani* [(1996) 3 SCC 132: AIR 1996 SC 1623], *State of U.P. v. Harish Chandra* [(1996) 9 SCC 309: 1996 SCC (L&S) 1240], *State of Bihar v. Ratan Lal Sahu* [(1996) 10 SCC 635], *State of Nagaland v. Lipok AO* [(2005) 3 SCC 752: 2005 SCC (Cri) 906] and *State (NCT of Delhi) v. Ahmed Jaan* [(2008) 14 SCC 582 : (2009) 2 SCC (Cri) 864].

Therefore, the State cannot be equated to a private person who does not have to process the matter through various authorities.

In the present case, there is a delay of 44 days, which occurred because the various offices had to be consulted before filing the appeal, which is a reasonable ground as laid down by the Hon'ble Supreme Court. Therefore, it cannot be said that the applicant does not have any sufficient cause for condonation of the delay.

In view of the above, the present application is allowed, and the delay in filing the appeal is condoned. The present application stands disposed of.

**Cr. Appeal (C-SB) (Filing) No. 11602 of 2025**

The delay in filing the appeal has been condoned as per the order passed in Cr.MP(M) No. 2932 of 2025. The appeal be registered.

A copy of the appeal be supplied to the respondent.

The respondent/accused shall furnish person and surety bonds in the sum of ₹25,000/- to the satisfaction of the learned Trial Court/learned Additional Registered (Judicial) of this Court, undertaking therein to appear before this Court as and when directed to do so and

surrender before the learned Trial Court in case the appeal is allowed.

The bail bonds so furnished be transferred to this Court for record.

The record be requisitioned, and the matter be listed thereafter.

**(Rakesh Kainthla)**  
**Judge**

10<sup>th</sup> July, 2026  
(Chander)